IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.173 OF 2005

...

M/s. Bhavanji Khimji & co. ...Petitioners

v/s.

Pant Nagar Ambika Co.operative

Housing Society ...Respondents

...

Mr.Naveen Joshi for the Petitioners.

None for the Respondents.

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CORAM: D.K.DESHMUKH, J.

DATED: 11TH OCTOBER,2005

P.C.:

This is the petition filed under Section 9 of the Arbitration & Conciliation Act. The arbitration

clause was invoked by the Petitioner on 16-12-2004. Thereafter, to this date, admittedly, no steps have been taken by the Petitioner to have the arbitral tribunal constituted either in terms of the arbitration clause or by recourse to Section 11 of the Arbitration & Conciliation Act. In view of the law laid down by the Supreme Court in its judgment in the case of Firm Ashok Traders and Anr. v/s. Gurumukh Das Saluja and Ors., 2004(1) Arb.LR. 141 (SC) as the Petitioner has not been able to satisfy that the Petitioner has taken any effective steps to have the arbitral tribunal constituted for getting the disputes between the parties resolved by recourse to arbitration, the Petitioner is not entitled to any interim measure of protection under Section 9. Petition is rejected.

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